



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,  
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

## **ACTION AGENDA**

Hickory City Council  
76 North Center Street

November 2, 2021  
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Christy Lohr-Sapp, St. Andrews Lutheran Church
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of Business Well Crafted Awards – Presented by Business Services Manager Dave Leonetti and Members of the Business Development Committee
- V. Persons Requesting to Be Heard
  - A. Mr. Sam Hunt, 626 9<sup>th</sup> Avenue Drive SE, discussed an idea with Council regarding honoring veterans.
- VI. Approval of Minutes
- A** A. Regular Meeting of October 19, 2021. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
- A2** A. Budget Revision Number 7. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- PH** A. Call for a Public Hearing for Consideration of Proposed Amendments to Chapters and/or Chapter Sections of the Hickory Code of Ordinance based upon Requirements of Senate Bill 300 (S.L. 2021-138). **(Authorize Public Hearing for November 16, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.) (Exhibit VIII.A.)**
- PH/A** B. Call for a Public Hearing for Consideration of a Voluntary Contiguous Annexation of 1.948 Acres of Property Located at 2358, 2366, and 2380 Renwick Drive and an Unaddressed Adjacent Parcel, Identified as PINs 3711-12-85-8893; 3711-12-85-9903; 3711-12-86-9016; and 3711-12-85-8674. **(Authorize Public Hearing for November 16, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.) (Exhibit VIII.B.)**
- A** C. Approval of Community Relations Council's Fall 2021 Grant Recommendations. **(Exhibit VIII.C.)**

Community Relations Council requests approval of the Fall 2021 grant cycle recommendations. As part of the Community Relations Council's (CRC) work plan and annual budget process, the CRC receives funds to disperse during the fiscal year through their grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC goals and mission and how the program will serve to improve human relations in the Hickory area. For the Fall 2021 grant cycle, the CRC received six grant applications for projects totaling \$7,700 and is recommending approval of four grants totaling \$4,700. The applicants recommended for funding: Hickory Branch National Association for the Advancement of Colored People (NAACP) - \$1,500; Lenoir-Rhyne University: Professors Carrol, Newton, & Lohr - \$1,500; Footcandle Film Society - \$700; and Hickory Museum of Art \$1,000. The funds are available in the CRC budget for the recommended grant approvals. The Community Relations Council recommends funding of the four grants in the total amount of \$4,700.

- A D.** Acceptance of the 2021 Bulletproof Vest Grant in the Amount of \$14,400. **(Exhibit VIII.D.)**

*Hickory Police Department requests approval to accept the grant to assist in funding the purchase of bulletproof vests for police officers. The City of Hickory will receive up to 50 percent reimbursement for each vest purchased. Since 1999, the Bulletproof Vest Grant program has provided an opportunity for law enforcement agencies to apply for a grant to receive up to 50 percent funding on the purchase of ballistic vests. In order to be eligible, the agency must have a policy in effect making it mandatory for uniformed officers to wear the vests while on duty. Hickory Police Department has the mandatory wear policy in effect and has been a recipient of this grant for numerous years. Monies are placed in the police department budget uniform line item annually to purchase vests for police officers. Life expectancy of each vest is approximately five years. The Police Department recommends the acceptance of this grant to receive up to 50 percent funding, in the amount of \$14,400, to purchase bulletproof vests for police officers.*

- A E.** Acceptance of the 2021 Justice Assistance Grant in the Amount of \$17,910. **(Exhibit VIII.E.)**

*Hickory Police Department requests approval to accept the 2021 Justice Assistance Grant. The City of Hickory has received notification of approval to receive \$17,910 under the 2021 Justice Assistance Grant (JAG) Program. The JAG Program is a formula-based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct federal grant awards. There is no match required. Hickory Police Department will use the grant funds to purchase a Reality Virtual Training Platform in collaboration with Catawba County Sheriff's Office. Hickory Police will receive \$17,910. The JAG legislation requires counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on a required Memorandum of Understanding (MOU). Hickory Police Department recommends approval to partner with Catawba County Sheriff's Office for the 2021 Justice Assistance Grant in the amount of \$17,910. Hickory Police and Catawba County Sheriff's Office will share the remaining expense of the Reality Virtual Training Platform.*

- A F.** Approval of a Resolution Adopting New Ward Boundaries for Nomination of City Council Members. **(Exhibit VIII.F.)**

- A G.** Approval of a Cemetery Deed Transfer from John W. Davis, Jr., and spouse, Joanna Ethel Arduino Davis; Ginger Davis Bedsole, an unmarried woman; John Lynch Davis, an unmarried man; Roger Pryor Davis and spouse, Bonnie Jean Fettes Davis; Nancy Davis Bilbro and spouse, William Cecil Bilbro; James Hassell Davis, an unmarried man, and Katherine Davis Perkins and spouse John Russell Perkins, (All Heirs of John W. Davis and Lucy H. Davis) to Katherine Davis Perkins and spouse John Russell Perkins, Oakwood Cemetery, Gravesites Number 5, 6, and 7, Plot H, Lot No. 2, Section 49. (Prepared by Attorney John G. Fuller) **(Exhibit VIII.G.)**

- A**     **H.**     Approval of a Cemetery Deed Transfer from John W. Davis, Jr., and spouse, Joanna Ethel Arduino Davis; Ginger Davis Bedsole, an unmarried woman; John Lynch Davis, an unmarried man; Roger Pryor Davis and spouse, Bonnie Jean Fettes Davis; Nancy Davis Bilbro and spouse, William Cecil Bilbro; James Hassell Davis, an unmarried man, and Katherine Davis Perkins and spouse, John Russell Perks, (All Heirs of John W. Davis and Lucy H. Davis) to James Hassell Davis, Oakwood Cemetery, Gravesite Number 8, Plot H, Lot No. 2, Section 49. (Prepared by Attorney John G. Fuller) **(Exhibit VIII.H.)**

- A**     **I.**     Approval of a Resolution Regarding Condemnation of Properties for Temporary and Permanent Easements and Rights-of-Way for Construction of the Multiuse Path System for the OLLE Art Walk. **(Exhibit VIII.I.)**

*Staff requests Council's approval of a Resolution Regarding Condemnation of Properties for Temporary and Permanent Easements and Rights-of-Ways for Construction of a Multiuse Path System (OLLE Art Walk). The OLLE Art Walk is part of the larger Hickory Trail multiuse path system and bond program that seeks to increase quality of life for residents and spur economic revitalization by providing pedestrian and bicycle connectivity throughout the City. The OLLE Art Walk will create a connection between City Walk, via 9<sup>th</sup> Street NW and Old Lenoir Road, and Aviation Walk and the Riverwalk. Per North Carolina General Statutes Chapter 40A the City of Hickory has the power of eminent domain to acquire any property to improve streets, sidewalks, and establish or improve recreational facilities. The City has found it is in the public interest to acquire certain easements and rights-of-ways for the construction of the mile, 10-foot-wide multi-use pathway for pedestrian and bicycle connectivity from the City Walk to the Riverwalk via 9<sup>th</sup> Street NW and Old Lenoir Road. The proposed resolution authorizes staff and legal counsel to institute the condemnation proceedings on these properties. Staff recommends Council's approval of the Resolution Regarding Condemnation of Properties for Temporary and Permanent Easements and Rights-of-Ways for Construction of the Multiuse Path System for the OLLE Art Walk.*

- A**     **J.**     Approval of a Right of Way Agreement with North Carolina Department of Transportation for Property Located at 13<sup>th</sup> Avenue Drive NW and US 321 NW. **(Exhibit VIII.J.)**

*Staff requests Council's approval of a right of way agreement with North Carolina Department of Transportation (NCDOT) for property located at 13<sup>th</sup> Avenue Drive NW and US 321 NW. As part of the US 321 widening project, the NCDOT is purchasing right of way and utility easements on several City properties. This property is located across an unopened right of way from the Kawasaki Dealership on 13<sup>th</sup> Avenue Drive NW, identified as PIN 2793-11-66-7473. A portion of the property will be taken for right of way related to the US 321 widening project. The property was purchased by the City as part of the right of way for the Aviation Walk. The portion of the parcel being purchased by NCDOT was appraised for \$8,300. Much of the remainder of the site will be used as the right of way for the Aviation Walk. The remainder of the lot is unbuildable and will remain so after the NCDOT right of way is purchased. The property may be used for landscaping and open space related to the Aviation Walk. Staff recommends approval of the right of way agreement with NCDOT in the amount of \$8,300.*

- A**     **K.**     Approval of a Right of Way Agreement with North Carolina Department of Transportation for Property Located at 1471 1<sup>st</sup> Avenue SW. **(Exhibit VIII.K.)**

*Staff requests Council's approval of a right of way agreement with North Carolina Department of Transportation (NCDOT) for property located at 1471 1<sup>st</sup> Avenue SW. As part of the US 321 widening project, NCDOT is purchasing right of way and utility easements on several City properties. The property houses a former fire station that is currently leased to the Family Care Center, identified as PIN 2792-08-88-0788. The building will be taken for right of way related to the US 321 widening project. NCDOT is also purchasing the unbuildable remnant remaining after the right of way is purchased. The parcel being purchased was appraised by NCDOT, and they have approved an offer of \$98,700 for the right of way and the remaining unbuildable property. The right of way is valued at \$98,150 and the remaining property is valued at \$550. The Family Care Center*

will receive compensation separately as it relates to their leasehold interest in the property. The City is not party to that agreement. Staff recommends approval of the right of way agreement with NCDOT in the amount of \$98,700.

- A**      **L.**      Approval of a Contract with WRF Properties, LLC for Property Located at 841 18<sup>th</sup> Street NE, Formerly Owned by Terry Huffman, in the Amount of \$40,500. **(Exhibit VIII.L.)**

*Staff requests approval of a contract to sell City owned property at 841 18<sup>th</sup> Street NE, formerly owned by Terry Huffman. The City obtained title to the property through foreclosure due to outstanding code enforcement liens on the property. There are outstanding taxes on the property that would be repaid at the sale of the property. The buyer has met with City of Hickory Code Enforcement Staff at the property and understands the improvements needed to bring the property in compliance with the City's minimum housing code. Staff was approached by WRF Properties, LLC, an investor looking to rehabilitate the property. The assessed value is \$52,000. The buyer has offered \$40,500 for the property. Staff believes this to be fair value for the property given its current condition. The sale would be subject to the upset bid process. Other interested parties would have to outbid the contract amount by approximately 5 percent. If no upset bids are received during the 10-day upset bid period, the transaction will proceed to closing. Staff recommends City Council approve a contract with WRF Properties and authorize staff to advertise for upset bids.*

- A**      **M.**      Approval of the Dedication and Naming of the 3<sup>rd</sup> Street City Walk Pedestrian Bridge to Wyatt Bridge.

- A1**      **N.**      Budget Revision Number 8. **(Exhibit VIII.N.)**

1.      *To recognize receipt of the 2021 Bulletproof Vest Partnership Grant (\$14,400) and establish Grant Project Ordinance #G51105 in the amount of \$28,800. This is a 50/50 Federal matching grant with the local portion to be taken from the Police Department's Uniforms account.*
2.      *To recognize receipt of the 2021 Justice Assistant Grant (\$17,910) and establish Grant Project Ordinance #G51104 in the amount of \$39,850. The City of Hickory will use the grant funds to purchase a Reality Virtual Training Platform. The City will contribute \$10,970 while matching funds of \$10,970 will come from Catawba County for the remaining expense of the project.*
3.      *To recognize and appropriate \$4,783 in CDBG funds towards Business Development contingency expenses due to an increase in CDBG allocations by the Department of Housing and Urban Development.*
4.      *To appropriate \$433,136 from Convention Center revenues to be received from the TDA to complete the funding required in the design contract with Architect Scott Mitchell for design services related to the 45,000 sq. ft expansion of the Greater Hickory Metro Convention Center. This design contract was approved by City Council on April 20, 2021. The Greater Hickory Metro Convention Center is owned by the City of Hickory but operated and maintained by the Hickory-Conover Tourism Development Authority (TDA) with Hotel/Motel Occupancy Tax Revenues.*
5.      *To appropriate \$1,066 of Miscellaneous Fund monies to the Fire Department's M&R Vehicles line item. These funds were issued for the sale of scrap metal for brake parts, air filters, and scrap aluminum. A check was issued from Gordon Recyclers on 10/20/21 and deposited in Miscellaneous General Fund on 10/20/21.*

**IX.**      Items Removed from Consent Agenda

**X.**      Informational Item

**XI.**      New Business:

**A.**      Public Hearings

A1

1. Consideration of Proposed Amendments to Chapter 21, Section 21-10, Including Provisions Creating a Social District, to the Hickory City Code of Ordinances. – Presentation by Business Services Manager Dave Leonetti. **(Exhibit XI.A.1.)**

*Staff requests Council's consideration of amendments to Chapter 21 Miscellaneous Offenses, Section 21-10.- Malt Beverages, Wine – Consumption on City Property of the Hickory Code of Ordinances, including provisions creating a social district. On September 10, 2021, Governor Cooper signed into law House Bill 890 ABC Omnibus Legislation (S.L. 2021-150) which amended North Carolina General Statute 160A-205.4. Amended G.S. 160A-205.4 authorizes cities to create social districts. A social district is a designated outdoor area in which individuals may consume alcoholic beverages sold by businesses with ABC permits. A social district does not include the permit holders' licensed premises or extended areas permitted by North Carolina General Statutes Chapter 18B. A city may adopt an ordinance designating an area within its boundaries as a social district. A city must follow certain requirements for social districts as outlined in Chapter 18B. Currently Section 21-10 governs the consumption of malt beverages and wine on City property. This section is the most appropriate place to incorporate an amendment that creates a social district in the City of Hickory. Staff recommends Council adopt the proposed amendments to Chapter 21, Section 21-10 of the Code.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 22, 2021.*

B. Departmental Reports

NA

1. Appointments to Boards and Commissions

**CITIZENS ADVISORY COMMITTEE**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Small Cities Project Area

VACANT

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 4 (Alderman William Appoints)  
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

VACANT

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

Differently Abled (Council Appoints)

Beth Whicker

(Not Eligible for Reappointment)

**HISTORIC PRESERVATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Licensed Architect (Council Appoints)

Ernie Sills

(Not Eligible for Reappointment)

At-Large (2)(Council Appoints)

Mary Moor

(Eligible for Reappointment/Does Not Wish to Serve Again)

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (D. Williams Appoints)

VACANT

Ward 6 (Patton Appoints)

Gail Miller

(Eligible for Reappointment/Does Not Wish to Serve Again)

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 4 (D. Williams Appoints)  
At-Large (Mayor Appoints)

VACANT  
Beth Bowman  
(Not Eligible for Reappointment)

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following  
Appointments:

Fred T. Foard  
Homeschool

VACANT  
VACANT

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business  
Nature

XIV. Adjournment

**\*Hickory City Code Section 2-56. Public Address to Council:**

**“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”**

**The City of Hickory holds all public meetings in accessible rooms.  
Special requests for accommodation should be submitted by individuals  
with disabilities at least 48 hours before the scheduled meeting.  
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**